HON'BLE SHRI G.S. SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE C.V.NAGARJUNA REDDY

Writ Petition No. 19485 of 2006

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Between:

Syed Nizamuddin Bedi Manufacturers Pvt. Ltd.,
Essen Tobacco Bedi Manufactures Pvt. Ltd.,
Kurnool.

…Petitioner.

And

A.P. State Consumer Dispute Redressal Commission,
Rep. by its Registrar,
Hyderabad & others.

….Respondents.

:: O R D E R ::

Counsel for the petitioner : Shri Syed Shareef Ahmed

Counsel for respondent No.1 : Government Pleader for Civil Supplies
Civil Supplies

26.03.2007

Per G.S. SINGHVI, CJ

In this petition, the petitioner has prayed for grant of a declaration that Andhra Pradesh State Consumer Disputes Redressal Commission (for short 'the State Commission') cannot insist on deposit of 50% of

amount awarded by District Consumer Forum, Kurnool (for short 'the District Forum') in C.D.No.56 of 2005 as a condition precedent to the entertaining of appeal filed against order dated 12.04.2006.

The petitioner is engaged in the manufacture of beedi. Respondent No.2, who was employed in the establishment of the petitioner, retired from service on 01.02.1996. Her claim for pension was rejected by the competent authority. She then filed a complaint under Section 12 of the Consumer Protection Act, 1986 (for short 'the Act'). The same was registered as C.D.No.56 of 2005. The petitioner and respondent Nos. 3 and 4 were impleaded as opposite parties. By an order dated 12.04.2006, the District Forum allowed the complaint filed by respondent No.2 and declared that the opposite parties are jointly and severally liable to pay the amount admissible to the complainant under the Employees' Provident Fund and Miscellaneous Provisions Act, 1952.

Respondent Nos. 3 and 4 challenged the order of District Forum by filing an appeal under Section 16 of the Act. They deposited 50% of the disputed amount. Thereafter, the State Commission entertained the appeal and stayed the order of the District Forum.

The petitioner too appealed against the order of the District Forum. The State Commission directed him to deposit part of the decreed amount in terms of Section 16 of the Act. The petitioner has questioned this direction by contending that after deposit of 50% amount by respondent Nos. 3 and 4, the State Commission cannot insist on deposit of amount by him in terms of Section 16 of the Act.

We have heard learned counsel for the parties. In our opinion, the direction given by the State Commission to the petitioner to deposit the amount in terms of Section 16 of the Act is legally unsustainable because respondent Nos. 3 and 4 have already deposited 50% of the amount awarded by the District Forum in C.D.No.56 of 2005.

In the result, the writ petition is allowed. Order dated 26.07.2006 is quashed. The State Commission is directed to register the appeal preferred by the petitioner and decide the same on merits along with the similar appeal preferred by respondent Nos. 3 and 4.

As a sequel to disposal of the writ petition, W.P.M.P.No.24588 of 2006 filed by the petitioner for interim relief is disposed of as infructuous.

G.S.SINGHVI, CJ

C.V.NAGARJUNA REDDY, J

26.03.2007
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